



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE

United States Patent and Trademark Office

Address: COMMISSIONER FOR PATENTS

P.O. Box 1450

Alexandria, Virginia 22313-1450

www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/776,004	02/10/2004	David paul Yach	1578.106 (11428-US-PAT)	9095
44298	7590	12/01/2010	EXAMINER	
DOCKET CLERK				
Kelly-Krause				
PO BOX 12608				
DALLAS, TX 75225				
			ART UNIT	PAPER NUMBER
			2167	
			NOTIFICATION DATE	DELIVERY MODE
			12/01/2010	ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

docket.clerk@kelly-krause.com  
portfolioprossecution@rim.com

### Office Action Summary

**Application No.**

10/776,004

**Applicant(s)**

YACH ET AL.

**Examiner**

ROBERT TIMBLIN

**Art Unit**

2167

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 13 September 2010.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1,2,5-7,9,12-15 and 18-25 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,2,5-7,9,12-15 and 18-25 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-506)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

This Office Action corresponds to application 10/776,004 filed 2/10/2004.

#### ***Response to Amendment***

In the response filed 9/13/2010, claims 1, 6, 12, 15, and 23 have been amended. Claim 8 has been cancelled while no claims have been added. Accordingly, claims 1, 2, 5-7, 9, 12-15, and 18-25 are pending prosecution.

With respect to the submitted remarks and amendments, the previous objections and Examiner remarks have been withdrawn. Examiner thanks Applicant for the correcting amendments.

#### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claims 1, 2, 9, 12, 13, 15, 18, 21-23, and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Livschitz (U.S. Patent 6,470,329) in view of Gilfix et al. ('Gilfix' hereafter, U.S. Patent 7,133,963)**

With respect to claim 1, Livschitz teaches A mobile node (col. 9 line 49; PDA device) of a radio communication system (fig. 9 and col. 9 line 49-50) having a network part (col. 9 line 50;

PDA server) and the mobile node (col. 9 line 49; PDA device), the network part having a network-copy of a database containing database records and database values of the database (col. 5 line 56-57) and the mobile node (col. 9 line 49; PDA device) having a mobile-copy of the database (fig. 2, M1) containing database records and database values of the database (col. 5 line 56-57), the database records and database values of the database of the network-copy (Figs 1-9; e.g. M2) and the mobile-copy of the database, respectively, correspond to each other when the network-copy and the mobile-copy of the database are in match with one another (col. 2 lines 38-40; e.g. when the databases are in synchronization, they are in match with one another), said mobile node comprising:

processing circuitry (80) coupled to the mobile-copy database (86), said processing circuitry configured to:

i) generate a first hash (Fig. 1, 8; e.g. a first hash in a recursive hashing process) and communicate said first hash to the network part on a communications channel of the radio communication system, whereby an out of match condition between the mobile-copy database values and the network-copy database values is determined (fig. 1 wherein the hash signature is communicated over line 6 to determine if a match is present),

ii) generate, upon a determination of an out of match condition between mobile-copy database values and network-copy database values (col. 8 lines 14-15; e.g. "If the signature  $g(hA)$  is not identical to  $g(hB)$ "), a second hash (figs. 2, 3 and col. 6 lines 18-25; e.g. the databases are recursively hashed in a sequence of steps to teach at least a first and second hash) pursuant to a second hash technique (col. 5 line 30; e.g. one-way hash function) of a second computational intensity (col. 5 line 33-35) and based upon the database records in the mobile-

copy database (col. 5 line 34; e.g. signature of a data set), and communicate said second hash to the network part on said communications channel (col. 6 line 59-60 and Figs 1 and 2 drawing references 6 and 18 wherein the signatures are disclosed as transferred), and requires a greater amount of communication channel capacity to communicate said second hash (col. 7 lines 56-61) than said first hash ("first hash", as taught by Gilfix below), whereby an out of match condition between a record of the mobile-copy database records and a corresponding record of the network-copy database records is determined (col. 6 lines 32-35; e.g. differences in the data blocks are determined),

iii) retrieve the out of match database record (col. 10 lines 15-21) from the mobile-copy database upon a determination of an out of match condition between said mobile-copy database record and said corresponding network-copy database record for communication to the network part (col. 7 lines 10-14; e.g. "after the recursive process all remaining elementary data blocks of the data set A are transferred and copied"), whereby to match the network-copy database records and the mobile-copy database records are matched to each other (col. 7 line 31; e.g. the data sets A and B are synchronized);

wherein the radio communication system provides bi-directional (col. 9 lines 49-60 wherein the PDA device is synchronized to the server; therein data synchronized between the PDA server and PDA device describes bi-directional data communications) data communications services to said mobile node part (fig. 9, reference 84), and wherein data is communicated from the mobile node to the network by an up-link (col. 9 lines 60-61; e.g. the PDA device uses a wireless connectivity to upload the schedule; therein, uploading is interpreted as using an up-link) and, data is communicated from the network part to the mobile node by a down-link (col. 1

lines 34-35; e.g. data is transferred between an original data set and remote copy and col. 10 lines 15-18; e.g. the PDA server returns a 365-bit mask to the PDA device).

Although Livschitz teaches generating a first hash (e.g. Fig. 1) and second hash (e.g. a one-way hash function is regenerated via recursive process), Livschitz does not appear to expressly describe i) generating the first hash pursuant to a first hash technique of a first computational intensity and based on values, and in which said second computational intensity is greater than said first computational intensity.

Gilfix, however, teaches i) generating a first hash pursuant to a first hash technique of a first computational intensity (col. 2 lines 19-24) and based on values (col. 7 lines 48-49 wherein the checksum is calculated by a sum of the values of the bits in a memory block), and in which said second computational intensity is greater than said first computational intensity (col. 8 lines 23-26 wherein weak checksums include small computational overhead) for providing first and second hash techniques to determine probable matches.

Accordingly, in the same field of endeavor (i.e. hash functions), it would have been obvious to one of ordinary skill in the data processing art at the time of the present invention to combine the teachings of the cited references because the hashing techniques as provided by Gilfix would have given Livschitz the ability to use a first hash technique with small computational overhead to compute differences upfront (e.g. needed by Livschitz, col. 7 line 67). Further, with Livschitz (who is capable of calculating different hashing techniques – see Fig. 8) using the weak checksum (as provided by Gilfix) upfront, a system using a second hash technique when a stronger calculation is needed (see Gilfix, col. 8 line 26) would have been provided for the benefit of saving computational costs.

With respect to claim 2, Livschitz teaches the apparatus of claim 1 wherein said processing circuitry generates said first hash responsive to an external triggering event, occurrence of which is detectable at the mobile node (col. 9 line 50-56).

With respect to claim 9, Livschitz teaches the apparatus of claim 8 wherein hashes generated by a network part processing circuitry include a first hash (Fig. 1) and based upon the database values of the network-copy database (Fig. 1 data sets A and B), and a second hash (fig. 2, 3 and col. 6 lines 18-25; e.g. the databases are recursively hashed in a sequence of steps to teach at least a first and second hash) pursuant to a second hash technique (col. 5 line 30; e.g. one-way hash function) of a second computational intensity (col. 5 line 33-35) and based upon the database records in the network-copy database (Fig. 1 data sets A and B).

Livschitz does not appear to teach the first hash is pursuant to a first hash technique of a first computational intensity.

Gilfix, however teaches the first hash is pursuant to a first hash technique of a first computational intensity (col. 2 lines 20-25) for computing a weak checksum.

Accordingly, in the same field of endeavor (i.e. hash functions), it would have been obvious to one of ordinary skill in the data processing art at the time of the present invention to combine the teachings of the cited references because the hashing techniques as provided by Gilfix would have given Livschitz the ability to use a first hash technique with small computational overhead to compute differences upfront (e.g. needed by Livschitz, col. 7 line 67). Further, with Livschitz (who is capable of using different hashing techniques – see Fig. 8) using

the weak checksum (as provided by Gilfix) upfront, a system using a second hash technique when a stronger calculation is needed (see Gilfix, col. 8 line 26) would have been provided for the benefit of saving computational costs.

With respect to claim 12, Livschitz teaches the apparatus of claim 8 further comprising circuitry configured to receive out of match the values of the at least the portions of the data records responsive a comparison of a second hash of said the values with corresponding values network-copy database records with a second hash of said mobile-copy database records (fig. 3 and col. 7 lines 45-48).

With respect to claim 13, Livschitz teaches the apparatus of claim 12 further comprising database updater circuitry (col. 10, line 20), configured to alter at least one record of a selected one of the mobile- copy database and the network-copy database (col. 10, line 20; e.g. updating is seen as altering).

With respect to claim 15, Livschitz teaches A method of communicating in a radio communication system (fig. 9 and col. 9 line 49-50) having a network part that maintains at least a network-copy of a database containing database records and database values of the database (col. 5 line 56-57) and a mobile node (col. 9 line 49; PDA device) that maintains a mobile-copy (fig. 2, M1) of the database containing database records and database values of the database the database records and database values of the database of the network-copy (Figs 1-9; e.g. M2) and the mobile-copy of the database, respectively, correspond when the network-copy database and



the mobile-copy database are in match with one another (col. 2 lines 38-40; e.g. when the databases are in synchronization, they are in match with one another), the method altering at least one database record the data of at least one of the network-copy database and the mobile-copy database to place the network-copy and the mobile-copy in match with each other (col. 10 lines 15-21), the method comprising:

generating at the mobile (80) node a first hash (Fig. 1, 8; e.g. a first hash in a recursive hashing process) pursuant to a first hash technique of a first computational intensity and based upon the database values of the mobile-copy database (Fig. 1, data sets A and B), when the network-copy database and the mobile-copy database are suspected of being out of synchronization with each other (col. 6 line 41-49 col. 9 line 52-56);

sending said first hash value from the mobile node to the network part on a communications channel of the radio communication system (Fig. 1 line 6), whereby an out of match condition between the mobile-copy database values and the network-copy database values is determined (fig. 1 wherein the hash signature is communicated over line 6 to determine if a match is present);

receiving, at the mobile node M1), indication of results of a comparison (figs. 1-3; e.g. if the results indicate non-identical portions, mobile node M1 performs the hashing function again; therein the mobile node needs an indication of comparison in order to hash again) at the network part (M2), of said first hash value sent during said operation of sending, to a corresponding network-copy of said first hash value (fig. 1, reference 6); and

when said indication of results of the comparison of said first hash value generated at the mobile node to a corresponding network-copy of said first hash value indicates that the mobile-

copy database and the network copy database are out of match (col. 6 line 32-58; e.g. the process if the portions are not identical, or, out of match), thereafter generating a second hash at the mobile node (fig. 2, 3 and col. 6 lines 18-25; e.g. the databases are recursively hashed in a sequence of steps to teach at least a first and second hash) pursuant to a second hash technique (col. 5 line 30; e.g. one-way hash function) of a second computational intensity (col. 5 line 33-35) and based upon the database records in the mobile-copy database (col. 5 line 34; e.g. signature of a data set), and requires a greater amount of communication channel capacity to communicate said second hash (col. 7 lines 56-61) than said first hash ("first hash", as taught by Gilfix below); and

sending said second hash value from the mobile node to the network part on said communications channel for comparison to a corresponding network-copy of the second hash value (col. 6 line 59-60 and Figs 1 and 2 drawing references 6 and 18 wherein the signatures are disclosed as transferred), whereby an out of match condition between a record of the mobile-copy database records and a corresponding record of the network-copy database records is determined (fig. 1 wherein the hash signature is communicated over line 6 to determine if a match is present);

wherein the radio communication system provides bi-directional (col. 9 lines 49-60 wherein the PDA device is synchronized to the server; therein data synchronized between the PDA server and PDA device describes bi-directional data communications) data communications services to said mobile node part (fig. 9, reference 84), and wherein data is communicated from the mobile node to the network by an up-link (col. 9 lines 60-61; e.g. the PDA device uses a wireless connectivity to upload the schedule; therein, uploading is interpreted as using an up-

link) and, data is communicated from the network part to the mobile node by a down-link (col. 1 lines 34-35; e.g. data is transferred between an original data set and remote copy and col. 10 lines 15-18; e.g. the PDA server returns a 365-bit mask to the PDA device).

Although Livschitz teaches generating a first hash (e.g. Fig. 1) and second hash (e.g. a one-way hash function is regenerated via recursive process), Livschitz does not appear to expressly describe i) generating the first hash pursuant to a first hash technique of a first computational intensity and based on values, and in which said second computational intensity is greater than said first computational intensity.

Gilfix, however, teaches i) generating a first hash pursuant to a first hash technique of a first computational intensity (col. 2 lines 19-24) and based on values (col. 7 lines 48-49 wherein the checksum is calculated by a sum of the values of the bits in a memory block), and in which said second computational intensity is greater than said first computational intensity (col. 8 lines 23-26 wherein weak checksums include small computational overhead) for providing first and second hash techniques to determine probable matches.

Accordingly, in the same field of endeavor (i.e. hash functions), it would have been obvious to one of ordinary skill in the data processing art at the time of the present invention to combine the teachings of the cited references because the hashing techniques as provided by Gilfix would have given Livschitz the ability to use a first hash technique with small computational overhead to compute differences upfront (e.g. needed by Livschitz, col. 7 line 67). Further, with Livschitz (who is capable of using different hashing techniques – see Fig. 8) using the weak checksum (as provided by Gilfix) upfront, a system using a second hash technique

when a stronger calculation is needed (see Gilfix, col. 8 line 26) would have been provided for the benefit of saving computational costs.

With respect to claim 18, Livschitz teaches the method of claim 15 further comprising the operations of delivering of the mobile-copy database records to the network part, comparing said delivered records with corresponding records of the network-copy database records of the at least the first database, and causing overwriting of at least portions of a selected one of the network-copy database records and the mobile-copy database records responsive to a determination of an out of match condition between a record of the mobile-copy database records and a corresponding record of the network-copy database records comparisons made during said operation of comparing the portions of the mobile copy (col. 10 lines 18-21).

With respect to claim 21, Gilfix in combination with Livschitz further teaches the apparatus of claim 1 wherein said first hash technique comprises a checksum process (col. 2 line 22) for providing a checksum.

Accordingly, in the same field of endeavor (i.e. hash functions), it would have been obvious to one of ordinary skill in the data processing art at the time of the present invention to combine the teachings of the cited references because the hashing techniques as provided by Gilfix would have given Livschitz the ability to use a first hash technique with small computational overhead to compute differences upfront (e.g. needed by Livschitz, col. 7 line 67). Further, with Livschitz (who is capable of using different hashing techniques – see Fig. 8) using the weak checksum (as provided by Gilfix) upfront, a system using a second hash technique

when a stronger calculation is needed (see Gilfix, col. 8 line 26) would have been provided for the benefit of saving computational costs.

With respect to claim 22, Livschitz does not teach a checksum process. Gilfix in combination with Livschitz further teaches the method of claim 15 wherein said generating a first hash further comprises generating a first hash pursuant to a checksum process (col. 2 line 22) for providing a checksum.

Accordingly, in the same field of endeavor (i.e. hash functions), it would have been obvious to one of ordinary skill in the data processing art at the time of the present invention to combine the teachings of the cited references because the hashing techniques as provided by Gilfix would have given Livschitz the ability to use a first hash technique with small computational overhead to compute differences upfront (e.g. needed by Livschitz, col. 7 line 67). Further, with Livschitz (who is capable of using different hashing techniques – see Fig. 8) using the weak checksum (as provided by Gilfix) upfront, a system using a second hash technique when a stronger calculation is needed (see Gilfix, col. 8 line 26) would have been provided for the benefit of saving computational costs.

With respect to claim 23, Livschitz teaches A mobile node (col. 9 line 49; PDA device) of a radio communication system (fig. 9 and col. 9 line 49-50) having a network part (col. 9 line 50; PDA server) and the mobile node (col. 9 line 49; PDA device), the network part having a network-copy of a database containing database records and database values of the database (col. 5 line 56-57) and the mobile node (col. 9 line 49; PDA device) having a mobile-copy of the

database (fig. 2, M1) containing database records and database values of the database (col. 5 line 56-57), the database records and database values of the database of the network-copy (Figs 1-9; e.g. M2) and the mobile-copy of the database, respectively, correspond to each other when the network-copy and the mobile-copy of the database are in match with one another (col. 2 lines 38-40; e.g. when the databases are in synchronization, they are in match with one another), said mobile node comprising:

- receive circuitry (col. 20, receiver) configured to receive signals transmitted by a network part transmitter (Fig. 1);

- transmit circuitry (col. 5 line 22, sender) configured to transmit signals to a network part on a communications channel (Fig. 1);

- a memory element storing at least one mobile-copy database (86); and

- processing circuitry coupled to said receive circuitry (80), said transmit circuitry, and said memory element, and including:

- a request detector (col. 3 line 23),

- a hash generator to generate (col. 3 line 23; e.g. an agent that computes a signature), in response to said request detector detecting an external triggering event (col. 9 line 50-56), a first hash (Fig. 1, 8; e.g. a first hash in a recursive hashing process) of the mobile-copy database (col. 5 line 26-27), said first hash being communicated to the network part via said transmit circuitry on said communications channel (Figs. 1, 2; drawing references 6, 18, 20), whereby an out of match condition between the mobile-copy database values and the network-copy database values is determined (col. 6 lines 32-35; e.g. differences in the data blocks are determined), and to generate, upon a determination of an out of match condition between mobile-copy database

values and network-copy database values (col. 8 lines 14-15; e.g. “If the signature  $g(hA)$  is not identical to  $g(hB)$ ”) being received from the network part via said receive circuitry, a second hash (fig. 2, 3 and col. 6 lines 18-25; e.g. the databases are recursively hashed in a sequence of steps to teach at least a first and second hash) pursuant to a second hash technique (col. 5 line 30; e.g. one-way hash function) of a second computational intensity (col. 5 line 33-35) and based upon the database records in the mobile-copy database col. 5 line 34; e.g. signature of a data set), said second hash being communicated to the network part via said transmit circuitry on said communications channel (Figs. 1, 2; drawing references 6, 18, 20), and requires a greater amount of communication channel capacity (col. 7 lines 56-61) to communicate said second hash than said first hash (“first hash”, as taught by Gilfix below), whereby an out of match condition between a record of the mobile-copy database records and a corresponding record of the network-copy database records is determined (col. 6 lines 32-35; e.g. differences in the data blocks are determined), and

a content retriever (Fig. 4; e.g. receiving a copy) to retrieve the out of match database record from the mobile-copy database upon reception via said receive circuitry of a determination of an out of match condition between said mobile-copy database record and said corresponding network-copy database record for communication to the network part (Fig. 4 and col. 10 lines 19-21), whereby the network-copy database records and the mobile-copy database records are matched to each other (col. 7 line 31; e.g. the data sets A and B are synchronized).

Although Livschitz teaches generating a first hash (e.g. Fig. 1) and second hash (e.g. a one-way hash function is regenerated via recursive process), Livschitz does not appear to expressly describe i) generating the first hash pursuant to a first hash technique of a first

computational intensity and based on values, and in which said second computational intensity is greater than said first computational intensity.

Gilfix, however, teaches i) generating a first hash pursuant to a first hash technique of a first computational intensity (col. 2 lines 19-24) and based on values (col. 7 lines 48-49 wherein the checksum is calculated by a sum of the values of the bits in a memory block), and in which said second computational intensity is greater than said first computational intensity (col. 8 lines 23-26 wherein weak checksums include small computational overhead) for providing first and second hash techniques to determine probable matches.

Accordingly, in the same field of endeavor (i.e. hash functions), it would have been obvious to one of ordinary skill in the data processing art at the time of the present invention to combine the teachings of the cited references because the hashing techniques as provided by Gilfix would have given Livschitz the ability to use a first hash technique with small computational overhead to compute differences upfront (e.g. needed by Livschitz, col. 7 line 67). Further, with Livschitz (who is capable of calculating different hashing techniques – see Fig. 8) using the weak checksum (as provided by Gilfix) upfront, a system using a second hash technique when a stronger calculation is needed (see Gilfix, col. 8 line 26) would have been provided for the benefit of saving computational costs.

With respect to claim 25, Livschitz teaches the mobile node of claim 23 wherein said transmit circuitry and said processing circuitry are adapted to deliver mobile-copy database records to the network part, responsive to a determination of an out of match condition between a



record of the mobile-copy database records and a corresponding record of the network-copy database records (col. 10 lines 15-21).

**Claims 5-7 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of Livschitz and Gilfix as applied to parent claims 1 and 23 above, and further in view of Nguyen (U.S. Patent 5,809,494).**

With respect to claim 5, Livschitz and Gilfix teach a database with records (e.g. Livschitz col. 1 line 57-78 and col. 5 lines 55-56 and Gilfix Fig. 1) and hashing contents but do not appear to expressly teach the apparatus of claim 1 wherein the database records maintained at the network-copy database and the mobile-copy database are comprised of a first key field and at least a first record field for each database record, and wherein said second hash comprises a hash of said first key field of each database record.

Nguyen, however, teaches the apparatus of claim 1 wherein the database records maintained at the network-copy database and the mobile-copy database are comprised of data including at least a first key field and at least a first record field for each database record, and wherein said second hash comprises a hash of said first key field of each database record (col. 1 lines 54-65) for teaching a hashing function that hashes key fields.

Accordingly, in the same field of endeavor, (i.e. hashing techniques), it would have been obvious to one of ordinary skill in the data processing art at the time of the present invention to combine the teachings of the cited references because the hash value as provided by Nguyen would have given Livschitz and Gilfix a hash of a key field of a record for the benefit of

providing an identifying key on which to compare records. Thus a more efficient way of comparing records would have been achieved.

With respect to claim 6, the combination of Livschitz, Gilfix, and Nguyen teach the apparatus of claim 5 wherein the determination that the network-copy database and the mobile-copy database are out of match is made responsive to said second hash (Livschitz, col. 6 line 34).

With respect to claim 7, the combination of Livschitz, Gilfix, and Nguyen teach the apparatus of claim 5 wherein the out of match database record retrieved by said processing circuitry comprises both said key field and said record field (Livschitz, col. 7 line 46-48 wherein appropriate data blocks are replaced).

With respect to claim 24, Livschitz and Gilfix further teaches the mobile node of claim 23 wherein said first hash technique comprises a checksum process (Gilfix, col. 2 line 19-20). Livschitz and Gilfix do not appear to expressly teach wherein said second hash comprises a hash of a first key field of said database record.

Nguyen, however, teaches wherein said second hash comprises a hash of a first key field of said database record (col. 1 lines 54-65) for teaching a hashing function that hashes key fields.

Accordingly, in the same field of endeavor, (i.e. hashing techniques), it would have been obvious to one of ordinary skill in the data processing art at the time of the present invention to combine the teachings of the cited references because the hash value as provided by Nguyen would have given Livschitz and Gilfix a hash of a key field of a record for the benefit of

providing an identifying key on which to compare records. Thus a more efficient way of comparing records would have been achieved.

**Claims 14, 19, and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Livschitz and Gilfix as applied to claims 1 and 15 above, respectively, and further in view of Boothby (U.S. Patent 5,684,990).**

With respect to claim 14, Livschitz and Gilfix do not expressly teach the apparatus of claim 13 wherein said database value updater operates pursuant to a selected conflict resolution protocol.

Boothby, however, teaches said database value updater operates pursuant to a selected conflict resolution protocol (col. 4 lines 39-49) for providing a conflict resolution strategy in a synchronization environment.

Accordingly, in the same field of endeavor, (i.e. synchronizing), it would have been obvious to one of ordinary skill in the data processing art at the time of the present invention to combine the teachings of the cited references because the conflict resolution strategies provided by Boothby would have given Livschitz assurance of a consistent database should conflicts arise when a data record is updated (e.g. need disclosed by Livschitz, col. 5 lines 26-27). Further, Boothby would have provided user interaction over the synchronization process for the benefit of a user having control over the synchronization process. Thus, Boothby would have provided a method to give Livschitz consistent and coherent databases during synchronizations.

With respect to claim 19, Livschitz and Gilfix do not expressly teach the method of claim 18 wherein the selected one of the network-copy and the mobile-copy of which the portions thereof are caused to be overwritten is selected according to a conflict resolution scheme.

Boothby, however, teaches the selected one of the network-copy and the mobile-copy of which the portions thereof are caused to be overwritten is selected according to a conflict resolution scheme (col. 4 lines 39-49) for providing a conflict resolution strategy in a synchronization environment.

Accordingly, in the same field of endeavor, (i.e. synchronizing), it would have been obvious to one of ordinary skill in the data processing art at the time of the present invention to combine the teachings of the cited references because the conflict resolution strategies provided by Boothby would have given Livschitz assurance of a consistent database should conflicts arise when a data record is updated (e.g. need disclosed by Livschitz, col. 5 lines 26-27). Further, Boothby would have provided user interaction over the synchronization process for the benefit of a user having control over the synchronization process. Thus, Boothby would have provided a method to give Livschitz consistent and coherent databases during synchronizations.

Regarding claim 20, Livschitz and Gilfix do not expressly teach the operation of creating a change-history by indicating overwriting of the portions selectively caused during said operation of selectively causing.

Boothby, however, teaches the operation of creating a change-history by indicating overwriting of the portions selectively caused during said operation of selectively causing (col. 4 line 25; i.e. "synchronization depends on knowledge of (2) the history of updates in each

database" and further col. 6 line 10-15; i.e. "for every desktop record, the synchronization program takes not of the record's status, i.e., whether a corresponding status file record exists, and if so, whether that record has changed) for providing a history of changes that were caused.

In the same field of endeavor, (i.e. data synchronization), it would have been obvious to one of ordinary skill in the data processing art at the time of the present invention to combine the teachings of the cited references because Boothby would have given Livschitz a history of changes to determine what changes have been made and to keep track of those changes. Ultimately, in the database art, this provision would have benefited Livschitz in a way for backup in case of possible failure or other data loss (as taught by Boothby in col. 3 line 65-67).

### ***Response to Arguments***

Applicant's arguments filed 9/13/2010 have been fully considered but they are not persuasive.

### **103(b) rejection by Livschitz in view of Gilfix**

On page 10 of the Remarks, Applicant asserts that the claimed invention requires that there be a first hash technique of a first computational intensity and based upon database values of the mobile-copy database and a second hash technique of a second computational intensity and based upon the database records in the mobile-copy database. Applicant argues that Livschitz does not teach or suggest these claimed elements.

Examiner respectfully submits, in accordance with Claim 1 (and similarly claims 15 and 23), that Livschitz teaches generating a first hash (e.g. Fig. 1) and second hash (e.g. a one-way

hash function is regenerated via recursive process), Livschitz does not appear to expressly describe i) generating the first hash pursuant to a first hash technique of a first computational intensity and based on values, and in which said second computational intensity is greater than said first computational intensity.

Gilfix, however, teaches i) generating a first hash pursuant to a first hash technique of a first computational intensity (col. 2 lines 19-24) and based on values (col. 7 lines 48-49 wherein the checksum is calculated by a sum of the values of the bits in a memory block), and in which said second computational intensity is greater than said first computational intensity (col. 8 lines 23-26 wherein weak checksums include small computational overhead) for providing first and second hash techniques to determine probable matches.

Specifically, Livschitz teaches a first hash technique (for example, a one-way hash function such as hash function H; see Fig. 1 and col. 6 lines 2-3). Livschitz also teaches a second hash (figs. 2, 3 and col. 6 lines 18-25; e.g. the databases are recursively hashed in a sequence of steps to teach at least a first and second hash) pursuant to a second hash technique (col. 5 line 30; e.g. one-way hash function) of a second computational intensity (col. 5 line 33-35). Therein, Livschitz teaches a first and second hash at least by teaching recursive hashing multiple times in sequence.

For example, Livschitz teaches hashing data sets A and B as a first hash (see Fig. 1) using a first hash technique (e.g. such as hashing whole data sets A and B) and then hashing at least a second time data blocks  $A_{21}$ ,  $A_{22}$ ,  $B_{21}$ , and  $B_{22}$  (see col. 6 lines 55-56 and fig. 2) using a second hash technique (e.g. such as hashing sub blocks of data).

Furthermore, this second hash is performed on data blocks A<sub>11</sub>, A<sub>12</sub>, B<sub>11</sub>, and B<sub>12</sub> (see col. 6 lines 21-22 and fig. 2) wherein those data blocks (physical or logical in nature as disclosed by Livschitz col. 5 lines 50-51) are exemplified as files in a file system or fixed-length records (see Livschitz, col. 5 lines 54-57).

Accordingly as seen in the foregoing, Livschitz teaches at least a second hashing technique that is based on data blocks. Because those data blocks represent files and/or records, Livschitz is submitted to teach a second hash technique based on database records.

As recognized in the previous Office Action, Livschitz appears to be missing the claimed aspect that the first hash technique is of a first computational intensity and based on values and further wherein said second computational intensity is greater than said first computational intensity.

Gilfix, however, teaches computing hashes using two different techniques of two different intensities (see Gilfix, col. 2 lines 19-24 wherein a weak checksum is computed and then a strong checksum is computed for a memory block) to find matches. Therein, Gilfix teaches a first hash technique (such as a weak checksum) and a second hashing technique of a second computational intensity (as a strong checksum). Gilfix also teaches wherein the weak checksum is performed upon values (see col. 7 lines 48-49). Therein, Gilfix is submitted to teach a first hash technique based on database values.

Beginning on page 11 to page 12 of the Remarks, Applicant asserts that the combination of Livschitz and Gilfix is improper because Livschitz modifies Gilfix in an unsatisfactory way. Examiner respectfully disagrees.

In response to applicant's argument that there is no teaching, suggestion, or motivation to combine the references, the examiner recognizes that obviousness may be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988), *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992), and *KSR International Co. v. Teleflex, Inc.*, 550 U.S. 398, 82 USPQ2d 1385 (2007).

In this case, as seen above, Livschitz and Gilfix provide the teaching of a first hash technique of a first computation intensity and based upon database values of the mobile-copy database and a second hash technique of a second computational intensity and based upon the database records in the mobile-copy database, a suggestion such as the hashing techniques as provided by Gilfix would have given Livschitz the ability to use a first hash technique with small computational overhead to compute differences upfront (e.g. needed by Livschitz, col. 7 line 67), and moreover a motivation such as the benefit of saving computational costs.

Moreover, Examiner respectfully disagrees that combining Gilfix with Livschitz would yield an apparatus unsatisfactory for its intended purpose. Specifically, this is because that likewise to Gilfix who attempts to find matches using hashing techniques (e.g. see col. 8 lines 19-35), Livschitz as well computes hashes to determine matching conditions (see Livschitz, col. 6 lines 28-28) and further also teaches matching of data segments (see Figs 1-3, 5, and 7-8).

In light of the foregoing, Examiner respectfully submits that arguments to the pending claims have been found unpersuasive.



### **Conclusion**

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

U.S. Patent 6,449,613 filed by Egolf et al. The subject matter disclosed therein pertains to the pending claims (i.e. first and second hash functions).

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

### **Contact Information**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **ROBERT TIMBLIN** whose telephone number is (571)272-5627. The examiner can normally be reached on M-Th 8:00-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John R. Cottingham can be reached on 571-272-7079. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/ROBERT TIMBLIN/  
Examiner, Art Unit 2167